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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER GILLIGAN, CHRISTOPHER L	
			ART UNIT 3626	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/665,065	Applicant(s) SHAATH ET AL.	
	Examiner Luke Gilligan	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/30/07 has been entered.

Response to Amendment

2. In the amendment filed 12/8/06, and entered with the filing of the request for continued examination, the following has occurred: claims 1, 2, 4-6, 8, 10-12, 14, 16, 18, 22, 26-29, 33, 37, 38, 40-42, 47, 53, and 55-59 have been amended. Now, claims 1-59 are presented for examination.

3. The rejections under 35 U.S.C. 112 are withdrawn by the Examiner based on changes made by Applicants to the claims.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-59 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 1, 8, and 38 recite the term "and/or." It is unclear whether the items listed according to "and/or" are intended to be referred to in the alternative or to require all of the items. For examination purposes, the Examiner will treat this term as "or."

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7. Claims 2-7, 9-37, and 39-59 contain the same deficiencies as claims 1, 8, and 38 through dependency and are rejected for the same reasons.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-13 and 38-46 rejected under 35 U.S.C. 103(a) as being unpatentable over Szalwinski et al., U.S. Patent No. 6,266,679 in view of Gable, Records Management for Electronic Documents (paragraphs numbered by Examiner, hereinafter Gable).

10. As per claim 1, Szalwinski teaches a computer-implemented method of managing a file lifecycle comprising the steps of storing data on a storage medium comprising: associating a set of lifecycle policies with a file including at least two of: file creation, file retention, file reference, file non-use, file security, file protection, file preservation, file storage locations within a storage medium, cost effective storage of a file, or file expiration (see column 2, lines 28-59, at least file non-use and file storage locations within a storage medium are associated policies within Szalwinski); storing said file on said storage medium accessible by a computer according to said set of lifecycle policies (see column 4, lines 25-32); automatically determining from the associated lifecycle policies whenever said file is to be moved (see column 5, lines 38-41); and automatically moving said file according to the associated lifecycle policies to another storage location within said storage medium or within a different storage medium whenever the associated lifecycle policies determine that said file is to be moved (see column 5, line 65 – column 6, line 16).

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11. Szalwinski does not explicitly teach that said lifecycle policies relate to aspects of file classification and file disposition. Gable discloses a records management system of electronic documents in which a set of lifecycle policies that relate to aspects of file classification and file disposition are associated with the electronic documents (see paragraphs 1 and 14-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to include aspects of file classification and file disposition as a part of the lifecycle policies of Szalwinski. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of assuring that electronic records follow the correct, pre-determined path throughout their lifecycle (see paragraph 2 of Gable).

12. As per claim 2, Szalwinski teaches the method of claim 1 as described above. Szalwinski further teaches providing a plurality of storage media including the storage medium, each having associated therewith a set of policies, the policies such that when a condition is met the file is transferred from one storage medium to another in accordance with a lifecycle stage of the file (see column 5, lines 44-52).

13. As per claim 3, Szalwinski teaches the method of claim 2 as described above. Szalwinski further teaches a first storage medium is associated with active files and a last storage medium is associated with archived files and wherein the file is transferred from the first storage medium to the last storage medium in successive stages (see column 5, line 65 – column 6, line 16, in the context of Szalwinski, the Examiner is interpreting the “backup storage medium” to be associated with archived files as claimed).

14. As per claim 4, Szalwinski teaches the method of claim 3 as described above. Szalwinski further teaches a file is automatically transferred to a storage medium most appropriate for its stage of lifecycle determined in accordance with the policies (see column 5, lines 53-65).

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15. As per claim 5, Szalwinski teaches the method of claim 3 as described above.

Szalwinski further teaches the policies relate to at least some of the associated storage medium, the file name, the file extension, the file creation date, the file access date, the file last access date, the file creator, and the current file owner (see column 5, lines 53-65).

16. As per claim 6, Szalwinski teaches the method of claim 1 as described above.

Szalwinski further teaches the step of storing the file on a storage medium comprises the step of determining, in accordance with the policies, expiration data relating to when the file is to be moved (see column 5, lines 53-65).

17. As per claim 7, Szalwinski teaches the method of claim 6 as described above.

Szalwinski further teaches the step of automatically determining when the file is to be moved comprises the step of comparing the expiration data to present time data to determine if it is indicative of the file having expired its time on the storage medium or on the entire system (see column 5, lines 53-65).

18. As per claim 8, Szalwinski teaches a computer-implemented method of managing a file lifecycle comprising the steps of storing data on a storage medium comprising: providing a virtual storage medium having a plurality of storage media associated therewith, wherein said plurality of storage media are accessible by a computer, and having associated therewith a set of lifecycle policies relating to at least two of: file storage locations within at least one of said plurality of storage media, file creation, file retention, file reference, file non-use, file security, file protection, file preservation, cost effective storage of a file, or file expiration (see column 2, lines 28-59, at least file non-use and file storage locations within a storage medium are associated policies within Szalwinski); storing said file on at least one of said plurality of storage media accessible by a computer within said virtual storage medium (see column 5, lines 38-41); at intervals, determining from the associated lifecycle policies actions dictated by said lifecycle

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policies for performance on said file, and performing said dictated actions on said file (see column 5, line 65 – column 6, line 16).

19. Szalwinski does not explicitly teach that file lifecycle comprises aspects of file management including file classification or file disposition. Gable discloses a records management system of electronic documents in which a set of lifecycle policies that relate to aspects of file classification and file disposition are associated with the electronic documents (see paragraphs 1 and 14-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to include aspects of file classification and file disposition as a part of the lifecycle policies of Szalwinski. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of assuring that electronic records follow the correct, pre-determined path throughout their lifecycle (see paragraph 2 of Gable).

20. Claims 9-13 recite substantially similar additional limitations to those already addressed in claims 3-7 and, as such, are rejected for similar reasons as given above.

21. As per claim 38, Szalwinski teaches a computer-implemented method of managing a file lifecycle comprising the steps of storing data on a storage medium comprising: providing a virtual storage medium having a plurality of storage media associated therewith, wherein said plurality of storage media are accessible by a computer, and having associated therewith a set of lifecycle policies relating to file storage locations within at least one of said plurality of storage media, wherein said lifecycle policies relating to at least two of: file storage locations within at least one of said plurality of storage media, file creation, file retention, file reference, file non-use, file security, file protection, file preservation, cost effective storage of a file, or file expiration (see column 2, lines 28-59, at least file non-use and file storage locations within a storage medium are associated policies within Szalwinski); storing said file on at least one of said plurality of storage media within said virtual storage medium accessible by said computer (see

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column 5, lines 38-41); upon occurrence of a triggering event, determining from said associated lifecycle policies actions dictated by said lifecycle policies for performance on said file, and performing said dictated actions on said file (see column 5, line 65 – column 6, line 16).

22. Szalwinski does not explicitly teach that file lifecycle comprises aspects of file management including file classification or file disposition. Gable discloses a records management system of electronic documents in which a set of lifecycle policies that relate to aspects of file classification and file disposition are associated with the electronic documents (see paragraphs 1 and 14-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to include aspects of file classification and file disposition as a part of the lifecycle policies of Szalwinski. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of assuring that electronic records follow the correct, pre-determined path throughout their lifecycle (see paragraph 2 of Gable).

23. Claims 39-43 recite substantially similar additional limitations to those already addressed in claims 3-7 and, as such, are rejected for similar reasons as given above.

24. As per claim 44, Szalwinski teaches the method of claim 38 as described above. Szalwinski further teaches the event relates to an amount of free space on the storage medium (see column 4, lines 40-45).

25. As per claim 45, Szalwinski teaches the method of claim 38 as described above. Szalwinski further teaches the event relates to an amount of space occupied by files of an individual compared to a quota of space allocated to that individual (see column 4, lines 40-45).

26. As per claim 46, Szalwinski teaches the method of claim 38 as described above. Szalwinski further teaches the event relates to at least one of initial storage of a file and modification of said file (see column 5, lines 47-52).

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27. Claims 14-37 and 47-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szalwinski et al., U.S. Patent No. 6,266,679 in view of Gable, Records Management for Electronic Documents and further in view of Stolarz, U.S. Patent No. 6,240,421.

28. Claims 14-37 recite substantially similar limitations to those already addressed in claims 1-13 and 38-46 above with the exception that policies are associated with and used to determine actions with respect to virtual drawers that are associated with a virtual cabinet rather than merely locations within storage mediums. Although Szalwinski teaches a method of managing a file lifecycle as described above with respect to claims 1-13 and 38-46, Szalwinski does not explicitly teach that the policies are associated with and used to determine actions with respect to virtual drawers that are associated with a virtual cabinet. However, Stolarz teaches a method of managing the lifecycle of files (see column 11, lines 5-8) that includes organizing files within virtual drawers that are within a virtual cabinet (see column 8, lines 19-25), wherein a set of policies, used to aid in moving the files throughout their life, are associated with each virtual drawer (see column 20, lines 29-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the virtual cabinet and virtual drawer organization into the system of Szalwinski. One of ordinary skill in the art would have been motivated to incorporate such organization for the purpose of providing a more intuitive and easy to use interface for handling the lifecycle of files (see column 1, lines 39-43 and column 20, lines 37-40). In addition, providing for a more organized manner storage, archiving and retrieval is an object of Szalwinski as well (see column 2, lines 8-13).

Response to Arguments

29. In the remarks filed 12/8/06, Applicants argue in substance that (1) Szalwinski fails to teach lifecycle policies that relate to aspects of file classification and file disposition including at

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least two of: file creation, file retention, file reference, file non-use, file security, file protection, file preservation, file storage locations within a storage medium, cost effective storage of a file, or file expiration; (2) Szalwinski fails to teach associating a set of lifecycle policies with a file; (3) Szalwinski fails to teach automatically determining from the associated lifecycle policies whenever said file is to be moved.

30. In response to Applicants' argument (1), with respect to file classification and file disposition, the Examiner has relied upon a new grounds of rejection in view of Gable. Therefore, this argument is now moot in view of the new grounds of rejection detailed above. In response to the remainder of the argument, it is respectfully submitted that Szalwinski at least includes policies related to file non-use and file storage locations within a storage medium. In particular, files are backed up after a predetermined archival age (presumably, archived files have been in non-use) (see column 5, lines 38-42). Moreover, whenever files are archived, they are transferred to an archival storage media (see column 2, lines 42-48). Therefore, it is respectfully submitted that Szalwinski teaches at least two of these policies.

31. In response to Applicants' argument (2), as described above, in response to argument (1), Szalwinski teaches at least two lifecycle policies. It appears, however, that Applicants are arguing that the policies are not "associated" with the files. It is unclear to the Examiner how the policies of Szalwinski could be construed to not be "associated" with the files given the fact that they are used to determine when and where to move the files. Therefore, the Examiner does not find this argument to be persuasive.

32. In response to Applicants' argument (3), the Examiner respectfully submits that Szalwinski teaches automatically determining whenever the files are to be moved to an archive subdirectory, back-up storage medium, or restored. Since the claims do not recite specific

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instances of when files are automatically moved, it is respectfully submitted that Szalwinski teaches this limitation.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Schoeniger discloses file management software based on lifecycle policies.
- PR Newswire discloses document lifecycle management software.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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